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27 28 SEAN K. KENNEDY (No. 145632) Acting Federal Public Defender (E-mail: Sean Kennedy@fd.org) CHRISTOPHER W. DYBWAD (No. 235234) Deputy Federal Public Defender (E-mail: Christopher Dybwad@fd.org) 321 East 2nd Street Los Angeles, California 90012-4202 Telephone (213) 894-4283 Facsimile (213) 894-0081

SEND FILED CLERK, U.S. DISTRICT COURT 4 **JU**L - 5 2006 CENTRAL DISTRICT OF CALIFORNIA DEPUTY

Attorneys for Defendant STEVEN PROWLER

> UNITED STATES DISTRICT COUR TO DOCKETED ON CM CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff,

STEVEN PROWLER,

Defendant.

NO. CR. 06-391-RMT

REQUEST FOR CONTINUANCE AND STIPULATION RE CONTINUANCE OF TRIAL DATE AND EXCLUSION OF TIME PURSUANT TO THE SPEEDY TRIAL ACT: [PROPOSED] ORDER

JUL 1 2 2006

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, United States of America, through its counsel of record, Assistant United States Attorney Sherilyn Peace Garnett, and defendant, Steven Prowler, through Deputy Federal Public Defender Christopher W. Dybwad, that subject to order of this Court the trial date be continued to November 14, 2006, at 9:00 a.m., and the status conference be continued to November 7, 2006 at 9:30 a.m., as follows:

- 1. Defendant was indicted on May 19, 2006. Trial was first set to commence on July 11, 2006 at 9:00 a.m.
- 2. The indictment charges defendant with one count of engaging in illicit sexual conduct with a minor in foreign places, in violation of 18 U.S.C. § 2423(c).

cc: PSA



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- 3. The government has produced all of the discovery in its possession, which includes over 4,000 pages of documents. The discovery references a number of foreign witnesses. Defendant's counsel has been reviewing the discovery and has determined that he needs additional time to conduct further investigation and research regarding possible motions and then further time to consult with defendant regarding the results of the investigation.
- 4. No prior continuances have been requested or granted. Defendant is in custody.
- 5. Accordingly, it is requested that the current trial date of July 11, 2006 be continued to November 14, 2006 at 9:00 a.m., and the status conference be continued to November 7, 2006 at 9:30 a.m. The continuance is requested so that defendant may, in addition to the reasons stated above, confer with his attorney, review and evaluate discovery provided by the government in this case and review any plea agreement offered by the government in this case, and, if no plea agreement is reached, to prepare for trial.
- 6. Accordingly, the period from July 11, 2006 to November 14, 2006, inclusive, shall be deemed an excludable period for the following reasons:
- a. The requested continuance is necessary to allow the defense additional time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).
- b. The ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).
- c. The continuance is not based on congestion of the Court's calendar, nor on the lack of diligence on the part of the attorney for the government. 18 U.S.C. § 3161(h)(8)(C).

PROOF OF SERVICE

I, the undersigned, declare that I am a resident or employed in Los Angeles County, California; that my business address is the Office of the Federal Public Defender, 321 East 2nd Street, Los Angeles, California 90012-4202; that I am over the age of eighteen years; that I am not a party to the above-entitled action; that I am employed by the Federal Public Defender for the Central District of California, who is a member of the Bar of the United States District Court for the Central District of California, and at whose direction I served the REQUEST FOR CONTINUANCE AND STIPULATION RE: CONTINUANCE OF TRIAL DATE AND EXCLUSION OF TIME PURSUANT TO THE SPEEDY TRIAL ACT: [PROPOSED] ORDER.

On July 3, 2006, following ordinary business practice, service was:

[X] Placed in a closed [] By handenvelope, for collection delivery and hand-delivery by our addressed as internal staff, follows:

[] Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:

[] By facsimile as follows:

SHERILYN PEACE GARNETT

Assistant United States Attorney

United States Court House

312 North Spring Street, Suite 1536

Los Angeles, California 90012

This proof of service is executed at Los Angeles, California, on July 3, 2006.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

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